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PATENT
Attorney Docket No. 11016.02
Express Mail Label No. EV 156 970 485 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CLAYCOMB, et al.

Serial No. 09/470,116

Filed: December 22, 1999

For: ELECTRONIC ESTRUS DETECTION
DEVICE

Examiner: N. Natnithithadha

Art Unit: 3736

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Amendment and Response

Dear Sir:

This Amendment and Response is in regard to the office communication dated August 27, 2002 and is filed concurrently with a Petition To Revive pursuant to 37 CFR § 1.137 and accompanying affidavits by Robert J. Scheffel and Jo Howell.

Applicant believes the subject matter in the case, per a substantive telephone discussion between Mr. Scheffel and the Examiner on January 24, 2002, is distinct over the cited § 102(b) art. *i.e.*, Starl et al (U.S. Patent No. 5,542,431). In this regard, the Examiner agreed but noted to Mr. Scheffel in the telephone conversation that the case may still not be allowable as the Examiner wanted to perform an additional search for potential § 103 issues. In light of the Applicant's petition to revive, with corresponding support that the abandonment

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of the present case was unavoidable, or in the alternative unintentional, it is requested that the Examiner perform the § 103 search discussed and make a determination on the patentability of the subject matter in the case as he indicated he would do in the January 24, 2002 telephone conversation. Further, Applicant requests that if no new rejections are ascertainable from the search, that the Examiner allow the case.

The appropriate fees for revival of this case are submitted herewith. However, if it is believed that the abandonment was unintentional, and not unavoidable, the Applicant gives permission for these fees to be charged to Deposit Account No. 04-1415. The Examiner is encouraged to contact the undersigned if he has any questions regarding this matter.

Signed at Denver, Colorado, this 27 day of July, 2003.



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